

inserted provisions contained in second, third, fourth and seventh paragraphs.

Act Feb. 1, 1940, struck out provision requiring consent of State legislature to the purchase, and inserted provisions now set out as eighth paragraph.

1930—Act June 28, 1930, inserted reference to armories, arsenals, forts, fortifications, navy yards and light-houses, and provision that the Attorney General may base his opinion as to title upon certificate of title of a title company.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 356 of this title; title 7 section 2250a; title 10 sections 2852, 18239; title 16 sections 343b, 430a, 441i, 571c; title 22 section 1471; title 36 section 2103; title 38 section 115; title 42 sections 1502, 1594a, 2224, 5196; title 50 App. section 460.

#### § 256. Repealed. Pub. L. 91-393, § 2, Sept. 1, 1970, 84 Stat. 835

Section, acts Mar. 2, 1889, ch. 411, 25 Stat. 941; Sept. 22, 1961, Pub. L. 87-277, 75 Stat. 577, directed that all legal services connected with procurement of titles to site for public buildings shall be rendered by United States attorneys.

#### § 257. Condemnation of realty for sites and other uses

In every case in which the Secretary of the Treasury or any other officer of the Government has been, or hereafter shall be, authorized to procure real estate for the erection of a public building or for other public uses, he may acquire the same for the United States by condemnation, under judicial process, whenever in his opinion it is necessary or advantageous to the Government to do so, and the Attorney General of the United States, upon every application of the Secretary of the Treasury, under this section and section 258<sup>1</sup> of this title, or such other officer, shall cause proceedings to be commenced for condemnation within thirty days from receipt of the application at the Department of Justice.

(Aug. 1, 1888, ch. 728, §1, 25 Stat. 357; June 25, 1948, ch. 646, §6, 62 Stat. 986.)

#### REFERENCES IN TEXT

Section 258 of this title, referred to in text, has been omitted from the Code.

#### AMENDMENTS

1948—Act June 25, 1948, struck out jurisdictional and venue provisions. See sections 1358 and 1403 of Title 28, Judiciary and Judicial Procedure.

#### EFFECTIVE DATE OF 1948 AMENDMENT

Section 38 of act June 25, 1948, provided that the amendment made by that act is effective Sept. 1, 1948.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 8 section 1103; title 16 sections 81e, 159a, 231b, 242, 263, 403i, 423n, 425a, 430a, 430k, 430u, 430nn, 433c, 433h, 447b, 449, 450m, 450p, 459a; title 25 sections 500a, 941j, 1724, 1754; title 42 sections 1532, 2222; title 43 section 1522.

#### § 258. Omitted

#### CODIFICATION

Section, acts Aug. 1, 1888, ch. 728, §2, 25 Stat. 357; Mar. 3, 1911, ch. 231, §291, 36 Stat. 1167, which in connection

with condemnation proceedings, required conformity, as near as might be, to state practice and pleading, has been superseded by Rule 71A of the Federal Rules of Civil Procedure, Title 28, Appendix, Judiciary and Judicial Procedure.

#### § 258a. Lands, easements, or rights of way for public use; taking of possession and title in advance of final judgment; authority; procedure

In any proceeding in any court of the United States outside of the District of Columbia which has been or may be instituted by and in the name of and under the authority of the United States for the acquisition of any land or easement or right of way in land for the public use, the petitioner may file in the cause, with the petition or at any time before judgment, a declaration of taking signed by the authority empowered by law to acquire the lands described in the petition, declaring that said lands are thereby taken for the use of the United States. Said declaration of taking shall contain or have annexed thereto—

(1) A statement of the authority under which and the public use for which said lands are taken.

(2) A description of the lands taken sufficient for the identification thereof.

(3) A statement of the estate or interest in said lands taken for said public use.

(4) A plan showing the lands taken.

(5) A statement of the sum of money estimated by said acquiring authority to be just compensation for the land taken.

Upon the filing said declaration of taking and of the deposit in the court, to the use of the persons entitled thereto, of the amount of the estimated compensation stated in said declaration, title to the said lands in fee simple absolute, or such less estate or interest therein as is specified in said declaration, shall vest in the United States of America, and said lands shall be deemed to be condemned and taken for the use of the United States, and the right to just compensation for the same shall vest in the persons entitled thereto; and said compensation shall be ascertained and awarded in said proceeding and established by judgment therein, and the said judgment shall include, as part of the just compensation awarded, interest in accordance with section 258e-1 of this title on the amount finally awarded as the value of the property as of the date of taking, from said date to the date of payment; but interest shall not be allowed on so much thereof as shall have been paid into the court. No sum so paid into the court shall be charged with commissions or poundage.

Upon the application of the parties in interest, the court may order that the money deposited in the court, or any part thereof, be paid forthwith for or on account of the just compensation to be awarded in said proceeding. If the compensation finally awarded in respect of said lands, or any parcel thereof, shall exceed the amount of the money so received by any person entitled, the court shall enter judgment against the United States for the amount of the deficiency.

Upon the filing of a declaration of taking, the court shall have power to fix the time within which and the terms upon which the parties in

<sup>1</sup> See References in Text note below.